

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

GERARDO MARQUINA,

Petitioner,

v.

3:08-cv-88

DONALD BAUKNECHT, Warden,

Respondent.

JUDGMENT ORDER

For the reasons set forth in the accompanying Memorandum, the petition for the writ of habeas corpus is **DENIED** and this action is **DISMISSED**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is hereby **DENIED**. The court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. The court thus **DENIES** the petitioner leave to proceed *in forma pauperis* on appeal.

ENTER:

s/ Thomas W. Phillips
United States District Judge

ENTERED AS A JUDGMENT

s/ Patricia L. McNutt

CLERK OF COURT